

From: Tom O'Toole
To: Microsoft ATR
Date: 1/28/02 2:33pm
Subject: To the District Court: Microsoft Antitrust case...

January 28, 2002

Honorable Court Officials,

I am writing today because I have been made aware of the Tunney Act permitting public comment on the proposed settlement between the U.S. Department of Justice and Microsoft Corp.

I strongly believe that the proposed settlement does little or nothing to curb the anticompetitive practices of which Microsoft has been found guilty. In particular, the settlement doesn't resolve the issue of software bundling, which is a fundamental part of the case against Microsoft. Under the terms of the settlement agreement, Microsoft will essentially be given carte blanche to include whatever software components they desire into the Windows system which is pre-installed on approximately 90% of computer systems sold, and which has been shown to have a monopoly market. This permits them to continue to use their operating system monopoly to create monopolies in new markets, directly counter to antitrust law.

Microsoft has, in the face of legal action, monopolized the internet browser market, and is in the process of creating a monopoly in audio-visual software with Windows Media Player. The new Windows XP operating system requires users to register with Microsoft. This is just the first part of a plan to maintain a comprehensive database of almost all computer users. It will then be used to monopolize internet commerce using the .NET and Passport services being deployed by Microsoft.

This is all being done with blithe disregard to the antitrust findings made by the U.S. court. This attitude (being above the law) was plainly evident in the demeanor of Bill Gates during the trial. Microsoft has preferred to spend vast quantities of money to make the case go away, mostly playing a game of delaying tactics. I feel this settlement gives them exactly what they want, and is antithetical to any concept of fairness.

Microsoft will probably try to 'stuff the ballot box' with comments in favor of the settlement. It is a well known Microsoft tactic to use pseudo-'grassroots' marketing efforts on internet newsgroups and bulletin boards, and I expect them to do that in this instance. I urge the court to see through this underhanded scheme and make a decision based on logic, precedent and fairness.

I am a computer user who uses several different systems: Macintosh, Linux and Windows, and I am deeply concerned about the future and what choices we consumers will have. Thank you very much for your time. I'm confident you will do the right thing.

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